IN RE: PETITION FOR VARIANCE S/S Bangert Street, 745' NW of the

c/l Gaylord Street

(5319B and 1521 Bangert Street)

15th Election District 5th Councilmanic District

Stanley A. White, et al Petitioners

* BEFORE THE

* DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

Case No. 99-158-A

*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Stanley A. White and his wife, Brenda A. White, through their Power of Attorneys, Douglas Berard and his wife, Linda A. Berard, and the Contract Purchasers, William J. and Mildred C. Jones. The Petitioners seek relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 80 feet in lieu of the required 100 feet, and a side yard setback of 10 feet in lieu of the required 15 feet, and a sum of the side yards of 20 feet in lieu of the required 40 feet, for a proposed dwelling. The subject property and relief sought are more particularly described on the site plan submitted which was accepted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Stanley and Brenda White, property owners, and William and Mitzi Jones, Contract Purchasers. Appearing in opposition to the request were Richard Rioux, Jr., adjacent property owner, and William Gough, Jr., a resident of the neighborhood.

Testimony and evidence offered revealed that the subject property consists of 20,244 sq.ft. more or less, zoned D.R.2, and is presently unimproved. The property is part of a previously approved minor subdivision of property owned by the families of Stanley White and Douglas Berard. The Petitioners are desirous of selling this unimproved lot to Mr. & Mrs. Jones, who wish to build a two-story single family dwelling thereon for their family. Mr. & Mrs. Jones currently reside in the Perry Hall area and are desirous of relocating to the subject neighborhood. Petitioner's Exhibit 1 shows that the subject lot is an irregular shaped parcel, approximately 210 feet wide across the rear property line and tapering to

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Date
By

Date of Charles of Cha

approximately 55 feet across the front property line. Mr. & Mrs. Jones wish to construct their home closer to Bangert Street, which will afford them a larger rear yard, but will also maintain approximately the same setback from Bangert Street as their neighbors on both sides. Testimony indicated that the proposed dwelling could be built further back on the lot; however, the house would then be located in the rear yards of the properties on either side. Thus, for these reasons the Jones' would rather build their house further towards the front portion of the lot; however, in order to do so, the requested variances are necessary.

As noted above, the adjoining property owner, Mr. Richard Rioux, Jr., and another nearby resident, Mr. William Gough, Jr., appeared as Protestants in the matter. They testified that they are strongly opposed to the Petitioners constructing a dwelling with side yard setbacks of only 10 feet. The Protestants indicated that many of the homes along Bangert Street in this area of Forge Acres are spread out by more than the 10 foot setbacks proposed by the Petitioners. They believe that the subdivision of the subject lot and the construction of a dwelling as proposed is not in character and keeping with the overall design and layout of Forge Acres. Therefore, they are opposed to the granting of any variance to Mr. & Mrs. Jones.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). In order to prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach. 22 Md. App. 28 (1974).

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TMK:bjs

After considering the testimony and evidence offered by the Petitioners as well as the Protestants, I am persuaded to deny the variance. The lot itself is an irregularly shaped lot; however, it was specifically subdivided in that fashion by the current property owners. They knew at the time they subdivided their property that it would not be feasible to construct a home towards the front of this lot, given the fact that it tapers in the front. The Petitioners could construct a home on this lot; however, they must do so further back on the lot within the building envelope shown on Petitioner's Exhibit 1 as being approximately 92 feet from the front property line. Inasmuch as the Jones have already indicated they do not want to build their home in such a manner that would place their home in the back yards of their neighbors, they may wish to rethink their position as to whether or not to purchase this lot.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons set forth herein, the relief requested must be denied.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4th day of January, 1999 that the Petition for Variance seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a minimum lot width of 80 feet in lieu of the required 100 feet, and a side yard setback of 10 feet in lieu of the required 15 feet, and a sum of the side yards of 20 feet in lieu of the required 40 feet, for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby DENIED.

TIMOTHY M. KOTROCO

Deputy Zoning Commissioner

for Baltimore County



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

January 5, 1999

Mr. & Mrs. Stanley A. White Mr. & Mrs. Douglas Berard 8030 Nottingham Way Ellicott City, Maryland 21043

RE: PETITION FOR VARIANCE

S/S Bangert Street, 745' NW of the c/l Gaylord Street (5319B and 1521 Bangert Street)
15th Election District – 5th Councilmanic District
Stanley A. White, et ux and Douglas Berard, et ux - Petitioners
Case No. 99-158-A

Dear Messrs. White & Berard:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been denied, in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours, Swithy Hotroco

TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bjs

Mr. & Mrs. William J. Jones 5406 Castlestone Driye, Baltimore, Md. 21237

People's Counsel; Case File

Plk Mr. Richard J. Rioux, Jr., 5411 Bangert Street, White Marsh, Md. 21162 Mr. William E. Gough, Jr., 5404 Bangert Street, White Marsh, Md. 21162 IN RE: PETITION FOR VARIANCE
S/S Bangert Street, 745' NW of the
c/l Gaylord Street
(5319B and 1521 Bangert Street)

15th Election District 5th Councilmanic District

Stanley A. White, et al Petitioners

- BEFORE THE
- * DEPUTY ZONING COMMISSIONER
- * OF BALTIMORE COUNTY
- * Case No. 99-158-A

ORDER ON MOTION FOR RECONSIDERATION

WHEREAS, this matter came before this Deputy Zoning Commissioner for consideration of a Petition for Variance filed by the owners of the subject property, Stanley A. White and his wife, Brenda A. White, through Douglas and Linda A. Beard, Power of Attorneys for the Whites, and the Contract Purchasers, William J. and Mildred C. Jones, seeking relief from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). Relief was sought to permit a minimum lot width of 80 feet in lieu of the required 100 feet, a side yard setback of 10 feet in lieu of the required 15 feet, and a sum of the side yards of 20 feet in lieu of the required 40 feet, for a proposed dwelling on the subject property, as more particularly described on the site plan submitted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Stanley and Brenda White, property owners, and William and Mitzi Jones, Contract Purchasers. Appearing in opposition to the request were Richard Rioux, Jr., adjacent property owner, and William Gough, Jr., a resident of the neighborhood.

Extensive testimony and evidence was offered at the hearing by both sides. At issue in this case is the Petitioners' proposal to construct the proposed dwelling towards the front portion of the lot, with 10-foot side yard setbacks. Testimony revealed that the Owners subdivided the

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subject property from their original holdings and that the parcel under contract to the Jones is irregular in shape, approximately 210 feet wide across the rear property line and tapering to approximately 55 feet across the front property line. Due to the location of existing houses along Bangert Street, and their desire to maintain a larger rear yard, the Petitioners sought approval to move the building envelope closer to the front property line. However, due to the property's D.R.2 zoning classification, and the narrow width of the lot across the front, the requested variances were necessary in order to proceed as proposed. The Protestants, namely, Mr. Richard J. Rioux, Jr., as adjoining property owner, was strongly opposed to the granting of any variance and argued that the subdivision of the property and proposed development are not in character and keeping with the overall design and layout of the existing community.

After considering the testimony and evidence offered at the hearing, I denied the requested variance by Order issued January 4, 1999, and suggested that the Petitioners might wish to rethink their position as to whether or not to purchase this property.

Subsequent to the issuance of said Order, Mr. & Mrs. Jones filed a Motion for Reconsideration, received January 25, 1999, and advised this Office that they had recently settled on the subject property and were attempting to meet with their future neighbors in an effort to resolve their differences.

By letter dated February 1, 1999, Mr. Rioux advised this Office that his position had not changed on this matter and that he remained opposed to the granting of any variance for this property. Subsequent to the receipt of his letter, this Office received a telephone call from Mrs. Jones on February 10, 1999, indicating that she and her husband were still attempting a reconciliation with their neighbor and hoped that an agreement would be reached within the next

few weeks. A recent telephone call from both Ms. Jones and Mr. Rioux indicated that no agreement has been reached and that Mr. Rioux remains opposed to the requested variance relief.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of July, 1999 that the Petitioners' Motion for Reconsideration be and is hereby DENIED.

IT IS FURTHER ORDERED that the Petitioners shall have thirty (30) days from the date of this Order to file an appeal of this decision.

TIMOTHY M./KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

Cc: Mr. & Mrs. Stanley White, c/o
Mr. & Mrs. Douglas Beard
8030 Nottingham Way, Ellicott City, Md. 21043
Mr. & Mrs. William J. Jones
5406 Castlestone Drive, Baltimore, Md. 21237
Mr. Richard J. Rioux, Jr.
5411 Bangert Street, White Marsh, Md. 21162
Mr. William E. Gough, Jr.
5404 Bangert Street, White Marsh, Md. 21162
People's Counsel; Case File

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

5319 B/1521 Bangert St.

This Petition shall be filed with the Department of	Permits & Development Management
ine undersigned, legal owner(s) of the property situate in	Baltimore County and which is described in the description and plat attached
MIN'Hum lot width of 80'	ce from Section(s) 1BO 2.3.C.1 TO Allow A lieu of the pegvined 100' took & side of 20' in lieu of the pegvined 15' with a
VARD of 10 with a som of all	the peguined loo that & side
Site St. 10 Williams 1 20 Sides	of 20 in lieu of the Required 15 with a
Sum of sides of 40'	

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) We would like to be able to able to build our house 50' from the front of the property line instead of 92' for the following reasons. I) None of the surrounding homes are built back that far, we would be building our home where our neighbors back yards are. I) Our front yard would be bigger than we want the back yard would be too small. If the cost of a driveway to sewage to lumbing connections would be more than we can afford.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of penury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser Lesson:	Legal Owner(s). STADLET A WHITE
Milham Jones	DUJGENS BERARD
Mildred C. Jones (Mitzi)	(Type or Print Name)
Invared C. Jones	Doubles Bered Put VI
Signature	Signature Brown A WHIT
5406 Castlestere Dr.	LINDS A BROWN
Address	(Type or Print Name) Scenda Q. White
<u> 150170. MD</u> 21231	Lenda Q. Berard P. O.A.
City State Zipcode	Signature Porenda Q. White
Attorney for Petitioner:	
(Type or Print Name)	BU BU NUTTING HAM? WAY (410) 465-1278 Address Phone No
	ELICOTT CITY, MD 2/043 City State Zipcote
Signature	Name, Address and phone number of representative to be contacted.
	Y10-955-5525
Address Phone No.	Mitzi Jones 410-931-5477
Zity State Zipcode	Address Phone No.
	OFFICE USE ONLY
	ESTIMATED LENGTH OF HEARING unavailable for Hearing
E	the following dates Next Two Months
Printed with Soybean Ink on Recycled Peper	ALLOTHER

19-158-A

zoning description for 5319 B 1521 Bangert St.
(address)
Beginning at a point on the Southside of
(north, south, east, or west)
Bangert Street which is 50
(name of street on which property fronts) (number of feet of right-of-way width)
wide at the distance of
(number of feet) (north, south, east or west)
centerline of the nearest improved intersecting street <u>Gay lord Street</u> (name of street)
(name of street)
which is 50' (on plat) wide. *Being Lot# 2, (number of feet of right-of-way width)
Block , Section# in the subdivision of 5319 Banger + St
HINOR Sub# 98-078-M (name of subdivision)
as recorded in Baltimore County Plat-Book #, Folio#,,
containing 20, 244. 7559. HAlso known as 5319 B / 1521 Bangert St. (square feet or acres) (property address)
and located in the 15th Election District, 5th Councilmanic District.

<u>----</u> POLID REDETIFI PROTESS ACTUAL TIPE. 10/15/1996 10/14/1998 15:78:34. REG WSG CASHER PARES FEW IRFARER 5 MISYELLAWAYS CASH RETETPT CR NO. 059183 50.00 CHECK Baltimore County, Maryland 19-158-A CASHIER'S VALIDATION No. 059183 ACCOUNT R-CCI-CISC 219B/1521 BANGET STREE AC-19-0 YELLOW · CUSTOMER AMOUNT \$ BALTIMORE COUNTY, MARYLAT OFFICE OF BUDGET & FINANCE MISCELLANEOUS RECEIPT $\overline{\mathscr{S}}$ PINK - AGENCY 207 140-498 DISTRIBUTION WHITE - CASHIER RECEIVED FROM: FOR DATE

NOTICE OF ZONING

The Zoning Commissioner of Bailtimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Low-son. Maryland on the property identified herein as follows:

Case: #99-15B-A 6319-B/1521 Bangert Sireet SNS Bangert Street, 748 NW Gaylord Street 15th Election District 6th Councilmanic District Cagal Owner(s): Stanley A. Witte A. Branda A. Williem Contract Purchaser(s): William Variance: to allow a minimum lot width of 80 feet in fleu of the required floo. feet and a side of 10 feet with a sum of sides of 20 feet in fleu of the required 15 feet with a sum of sides of 40 feet.

LAWRENCE E, SCHWIDT
Spring Commissioner for
Bainton Gumen
Handlonged Accessible, for
spacial
Please Call (410, 967-393).
(2) For information concenting the File and/or Hearing.

11/232 Nov. 19 0274126

CERTIFICATE OF PUBLICATION

TOWSON, MD., MONGON, 19 98

THE JEFFERSONIAN,

1. HEGAL AD. - TOWSON

CERTIFICATE OF POSTING

BALTIMORE COUNTY DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT COUNTY OFFICE BUILDING, ROOM 111 111 WEST CHESAPEAKE AVENUE TOWSON, MARYLAND 21204

CASE NUMBER: 99-158-A

PETITIONER/DEVELOPER: () William J. Jones

DATE OF HEARING/CLOSING: () /2-7-98

ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLMEN:

THIS LETTER IS TO CERTIFY UNDER THE PENALTIES OF PERJURY

THAT THE NECESSARY SIGN (S) REQUIRED BY LAW WERE POSTED

CONSPICUOUSLY ON THE PROPERTY LOCATED AT.

5319B/1521 BANGERT STREET BALTIMRE, MD. 21162

THE SIGN (S) WERE POSTED ON, 11-18-97 BY THE UNDERSIGNED.

SINCERELY.

THOMAS P. OGLE SR. 325 NICHOLSON RD. BALTIMORE MD. 21221

(410) 687-8405

(410) 687-4381 (FAX)



Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of which, lies with the petitioner/applicant) and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with this requirement.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

	ARNOLD JABLON, DIRECTOR	
For newspaper advertising:		
Item No.: 158		
Petitioner: MR. and MRS.	William J. Jones	
Location: 5319 B / 1521	Bangert Street	
PLEASE FORWARD ADVERTISING BILL TO:	•	
NAME: MR. and MRS.	William J. Jones	
ADDRESS: 5406 Castlest	one Drive	
Balto, MD	21237	
PHONE NUMBER: 410-931-5477		
	,	

AJ:ggs

(Revised 09/24/96)

	Format for Sign Printing, Black Letters on White Background:		
ZONING NOTICE Case No.: 97-158-A			
			A PUBLIC HEARING WILL BE HELD BY THE ZONING COMMISSIONER IN TOWSON, MD
PLACE:			
REQUEST: VO	Jance to Allow a Minimum lot width of 80' the Required 100' and Aside yard of 10' with 5'des of 20' in lies of the Reguired - Sum of sides of 40'.		
POSTPONEMENTS DUE TO WEATHER OR OTHER CONDITIONS ARE SOMETIMES NECESSARY. TO CONFIRM HEARING CALL 887-3391.			
DO NOT REM	OVE THIS SIGN AND POST UNTIL DAY OF HEARING UNDER PENALTY OF LAW		

158

TO: PATUXENT PUBLISHING COMPANY November 19. 1998 Issue - Jeffersonian

Please forward billing to:

Mr. & Mrs. William J. Jones 5406 Castlestone Drive Baltimore. MD 21237 410-931-5477

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-158-A
5319-B/1521 Bangert Street
S/S Bangert Street, 745' NW Gaylord Street
15th Election District — 5th Councilmanic District
Legal Owner: Stanley A. White & Brenda A. White
Contract Purchaser: William J. Jones & Mildred C. Jones

<u>Variance</u> to allow a minimum lot width of 80 feet in lieu of the required 100 feet and a side yard of 10 feet with a sum of sides of 20 feet in lieu of the required 15 feet with a sum of sides of 40 feet.

HEARING: Monday, December 7, 1998 at 9:00 a.m. in Room 407, County Courts

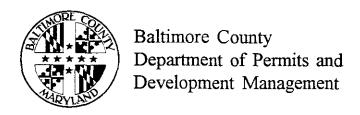
Building, 401 Bosley Avenue

LAWRENCE E. SCHMIDT

ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

October 29, 1998

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 99-158-A
5319-B/1521 Bangert Street
S/S Bangert Street, 745' NW Gaylord Street
15th Election District – 5th Councilmanic District
Legal Owner: Stanley A. White & Brenda A. White
Contract Purchaser: William J. Jones & Mildred C. Jones

<u>Variance</u> to allow a minimum lot width of 80 feet in lieu of the required 100 feet and a side yard of 10 feet with a sum of sides of 20 feet in lieu of the required 15 feet with a sum of sides of 40 feet.

HEARING: Monday, December 7, 1998 at 9:00 a.m. in Room 407, County Courts

Building, 401 Bosley Avenue

Arnold Jablon

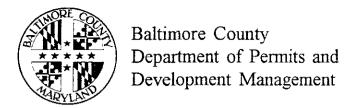
Director

c: Brenda & Stanely White Mildred & William Jones

NOTES: (1) YOU MUST HAVE THE ZONING NOTICE SIGN POSTED ON THE PROPERTY BY NOVEMBER 22, 1998.

(2) HEARINGS ARÉ HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 410-887-3353.

(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 410-887-3391.



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

December 1, 1998

Ms. Mitzi Jones 5406 Castlestone Drive Baltimore, MD 21237

RE: Item No.: 158

Case No.: 99-158-A

Location: 5319B - 1521 Bangert St.

Dear Ms. Jones:

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on October 14, 1998.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor Zoning Review

WCR:ggs

Enclosures

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: November 17, 1998

Department of Permits & Development

Management

FROM:

Bobert W. Bowling, Supervisor Bureau of Developer's Plans Review

SUBJECT:

Zoning Advisory Committee Meeting

for November 16, 1998

Item Nos. 181, 182, 183, 186 and Item No. 158 Revised Plans

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: November 2, 1998

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Supervisor Bureau of Developer's Plans Review

SUBJECT:

Zoning Advisory Committee Meeting for November 2, 1998

Them Nos 154 155 158 159 161

Item Nos. 154, 155, 158, 159, 161, 162, 163, 164, 165, 166, 167, 170

Also:

Case #99-151-SPHXA

Loyola College/Beckleysville Road

The Bureau of Developer's Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



Office of the Fire Marshal 700 East Joppa Road Towson, Maryland 21286-5500 (410)887-4880

OCTOBER 29, 1998

Arnold Jablon, Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204 MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF OCTOBER 26, 1998

Item No.: See Below Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

153, 154, 155, 158) 161, 162, 163, 164, 166, 167, AND 170

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

Sim July

Date: November 5, 1998

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Department of Permits

and Development Management

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

SUBJECT: Zoning Advisory Petitions

The Office of Planning has no comment on the following petition (s):

Item No (s): 150 and 158

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief:

AFK/JL



Parris N. Glendening Governor

David L. Winstead Secretary

Parker F. Williams Administrator

Date: 11.10.9V

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE:

Baltimore County

Item No. 158

REVISED PLONS

Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

P. J. Soull

15

Michael M. Lenhart, Acting Chief Engineering Access Permits Division



Parris N. Glendening Governor David L. Winstead Secretary Parker F. Williams

Administrator

Date: 10.27.51

Ms. Gwen Stephens
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County

Item No. 158 (A

Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

1. J. South

Michael M. Lenhart, Acting Chief Engineering Access Permits Division

ALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO:

FROM:

POM

R. Bruce Seeley.

Permits and Development Review

DEPRM

SUBJECT:

Zaning Advisory Committee

Meeting Date:

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

157

RBS:sp

BRUCE2/DEPRM/TXTSBP

RE: PETITION FOR VARIANCE 5319B / 1521 Bangert Street, S/S Bangert St,	*	BEFORE THE
745' NW Gaylord St., 15th Election District,	*	ZONING COMMISSIONER
5th Councilmanic		
	*	FOR
Legal Owners: Stanley & Brenda White,		
Douglas & Linda Berard	*	BALTIMORE COUNTY
Contract Purchaser: William J. & Mildred C. Jones		
Petitioner(s)	*	Case Number: 99-158-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates of other proceedings in this matter and of the passage of any preliminary or final Order.

er Mary Zinneran Caroles, Demilio

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO Deputy People's Counsel Old Courthouse, Room 47 400 Washington Avenue

Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of November, 1998, a copy of the foregoing Entry of Appearance was mailed to Legal Owners Stanley & Brenda White, Douglas & Linda Berard, 8030 Nottingham Way, Ellicott City, MD 21043, and to Contract Purchasers William J. & Mildred C. Jones, 5406 Castlestone Drive, Baltimore, MD 21237, Petitioner(s).

PETER MAX ZIMMERMAN

Jetu Mar Zimmeman

February 1, 1999

Richard J. Rioux, Jr. 5411 Bangert Street White Marsh, MD 21162

Timothy M. Kotroco Deputy Zoning Commissioner County Courts Building, Suite 405 401 Bosley Avenue Towson, Maryland 21204

Dear Mr. Kotroco:

I understand that William and Mildred Jones have filed a Motion for Reconsideration of their Petition for Variance, case #99-158 A. My position has not changed on this matter and I stand in opposition to any variance.

Thank you for your time and attention to this matter.

Sincerely,

Richard J. Rioux, Jr.

RJR:ker/TNSS

William and Mildred Jones 5406 Castlestone Drive Baltimore, MD 21237 410-931-5477

JAN 25

January 21, 1999

Timothy M. Kotroco Deputy Zoning Commissioner for Baltimore County Suite 405, County Courts Building 401 Bosley Avenue Towson, MD 21204

Dear Mr. Kotroco:

We would like to file a **Motion for Reconsideration** for case number 99-158 A, since the Petition for Variance has been denied.

Please let us know if you need any additional information.

Thank you for your attention to this matter.

Sincerely,

William J. Jones

Mildred (Mitzi) C. Jones

Cc: Mr. and Mrs. Richard Rioux 5411 Bangert Street Baltimore, MD 21128 SEP-22-1998

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, That I, Linda Berard, resident of the County/City of (XODEND HILLS State of CALIFORNIA have made constituted and appointed, and by these presents do make constitute and appoint Brenda A. White, resident of the County/City of CLICOTT CITY. State of MARYLAND, my true and lawful Attorney-in-Fact, so that in my name, place and stead he/she will execute the following acts:

- 1. To accept as a gift, or as security for a loan, to reject, to demand, to buy, to lease, to receive, or otherwise to acquire either ownership or possession of any estate or interest in land;
- 2. To sell, to exchange, to convey, either with or without covenants, to quitclaim, to release, to surrender, to mortgage, to encumber, to partition or to consent to the partitioning, to revoke, create or modify a trust, to grant options concerning, to lease or sublet, or otherwise to dispose of, any estate or interest in land;

3. To release in whole or in part, to assign the whole or part of, to satisfy in whole or in part, and to enforce by action, proceeding or otherwise, any mortgage, encumbrance, lien or other claim to land which exists, or is claimed to exist, in favor of the principal;

- 4. To do any act of management or of conservation with respect to any estate or interest in land owned, or claimed to be owned, by the principal, including by way of illustrations, but not restriction, power to insure against any casualty, liability or loss, to obtain or to regain possession or to protect such estate or interest by action, proceeding or otherwise, to pay, to compromise or to contest taxes or assessments, to apply for refunds in connection therewith, to purchase supplies, to hire assistance or labor and to make repairs or alterations in the structures or lands:
- 5. To utilize in any way, to develop, modify, to alter, to replace, to remove, to erect or to install structures or other improvements upon any land in which the principal has, or claims to have, any estate or interest;
- 6. To agree and to contract, in any manner, and with any person and on any terms, which the agent may select, for the accomplishment of any of the purposes enumerated and to perform, to rescind, to reform, to release or to modify any such agreement or contract or any other similar agreement or contract made by or on behalf of the principal;

7. To execute, to acknowledge, to seal and to deliver any deed, revocation, declaration or modification of trust, mortgage, lease, notice, check or other instrument which the agent may think useful for the accomplishment of any of the purposes enumerated in this section;

- 8. To prosecute, to defend, to submit to arbitration, to settle, and to propose or to accept a compromise with respect to, any claim existing in favor of, or against, the principal based on or involving any real estate transaction or to intervene in any action to proceeding relating thereto;
- 9. To hire, to discharge, and to compensate any attorney, accountant, expert witness or other assistant or assistants when the agent shall think such action to be desirable for the proper execution by him/her of any of the powers described in this section, and of the keeping of needed records thereof; and

10. In general, and in addition to all the specific acts enumerated, to do any other act or acts, which the principal can do through an agent, with respect to any estate or interest in land;

- 11. To consummate the real estate transaction as set out in a Contract of Sale dated May 18, 1998, by and between Stanley A. White and Brenda A. White, Seller(s), and William J. Jones, Buyer(s) in regard to the property known as 5319 B Bangert Street, Baltimore, MD 21128, Baltimore County, and in particular to execute all settlement documents including but not limited to endorsement of checks, settlement sheets, signature cards, affidavits, endorsements, amendments to the Contract of Sale;
- 12. To make and substitute and appoint for any of the aforesaid purposes, one or more agents and attorneys, and to revoke such appointments at pleasure;
 - 13. This Power of Attorney shall not be affected by the disability or death of the principal.



STATE OF CALIFORNIA . COUNTY OF LOS ANGELES , to wit:

I HEREBY CERTIFY, that on this 2 day of 2000 1998, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Linda Berard known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



My Commission Expires: 1003 2000

The undersigned and within named person hereby accepts the aforesaid Power of Attorney.

Brenda A. White

return to: Community Settlement Group, LLC 201 W. Padonia Road, Suite 403 Timonium, MD 21093 410-308-0515 File No. 98-1059

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, That I, Douglas Berard, resident of the County/City of wardened by these presents do make constitute and appoint Stanley A. White, resident of the County/City of burger corry. State of many condens my true and lawful Attorney-in-Fact, so that in my name, place and stead he/she will execute the following acts:

- 1. To accept as a gift, or as security for a loan, to reject, to demand, to buy, to lease, to receive, or otherwise to acquire either ownership or possession of any estate or interest in land;
- 2. To sell, to exchange, to convey, either with or without covenants, to quitclaim, to release, to surrender, to mortgage, to encumber, to partition or to consent to the partitioning, to revoke, create or modify a trust, to grant options concerning, to lease or sublet, or otherwise to dispose of, any estate or interest in land;

3. To release in whole or in part, to assign the whole or part of, to satisfy in whole or in part, and to enforce by action, proceeding or otherwise, any mortgage, encumbrance, lien or

other claim to land which exists, or is claimed to exist, in favor of the principal;

- 4. To do any act of management or of conservation with respect to any estate or interest in land owned, or claimed to be owned, by the principal, including by way of illustrations, but not restriction, power to insure against any casualty, liability or loss, to obtain or to regain possession or to protect such estate or interest by action, proceeding or otherwise, to pay, to compromise or to contest taxes or assessments, to apply for refunds in connection therewith, to purchase supplies, to hire assistance or labor and to make repairs or alterations in the structures or lands;
- 5. To utilize in any way, to develop, modify, to alter, to replace, to remove, to erect or to install structures or other improvements upon any land in which the principal has, or claims to have, any estate or interest;
- 6. To agree and to contract, in any manner, and with any person and on any terms, which the agent may select, for the accomplishment of any of the purposes enumerated and to perform, to rescind, to reform, to release or to modify any such agreement or contract or any other similar agreement or contract made by or on behalf of the principal;

7. To execute, to acknowledge, to seal and to deliver any deed, revocation, declaration or modification of trust, mortgage, lease, notice, check or other instrument which the agent may

think useful for the accomplishment of any of the purposes enumerated in this section;

8. To prosecute, to defend, to submit to arbitration, to settle, and to propose or to accept a compromise with respect to, any claim existing in favor of, or against, the principal based on or involving any real estate transaction or to intervene in any action to proceeding relating thereto;

9. To hire, to discharge, and to compensate any attorney, accountant, expert witness or other assistant or assistants when the agent shall think such action to be desirable for the proper execution by him/her of any of the powers described in this section, and of the keeping of needed records thereof; and

10. In general, and in addition to all the specific acts enumerated, to do any other act or acts, which the principal can do through an agent, with respect to any estate or interest in land;

11. To consummate the real estate transaction as set out in a Contract of Sale dated May 18, 1998, by and between Stanley A. White and Brenda A. White, Seller(s), and William J. Jones, Buyer(s) in regard to the property known as 5319 B Bangert Street, Baltimore, MD 21128, Baltimore County, and in particular to execute all settlement documents including but not limited to endorsement of checks, settlement sheets, signature cards, affidavits, endorsements, amendments to the Contract of Sale;

12. To make and substitute and appoint for any of the aforesaid purposes, one or more

agents and attorneys, and to revoke such appointments at pleasure;

13. This Power of Attorney shall not be affected by the disability or death of the principal.

IN WITNESS WHEREOF, I sign these presents this 23d day of 1998

Douglas Berard

STATE OF Colymna COUNTY OF Jas (Ingles ...

I HEREBY CERTIFY, that on this Late day of day of day of subscriber, a Notary Public of the State aforesaid, personally appeared Douglas Berard known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that she executed the same for the purposes therein contained, and in my presence signed and sealed the same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

CLAUDIA A. ARCER:
Commission # 1164060
Norary Public - California
Los Angeles County
My Comm. Expires Dec 5, 2001

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My Commission Expires: 12/5/2001

The undersigned and within named person hereby accepts the aforesaid Power of Attorney.

Stanley A. White

return to: Community Settlement Group, LLC 201 W. Padonia Road, Suite 403 Timonium, MD 21093 410-308-0515 File No. 98-1059

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Mitri Jones	5406 Castlestone DR.
Mithiam Jones	5406 Castlestone DK,
Bunda White	8030 nottinhon W
Staley a Khit	Discur CY, no 3/043"
	- and the state of





PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
RICHARD J. RIOUX, JR.	5411 BANGERT ST.
WILLIAM E. GOUGH, JR.	5404 BANGERT ST WHITE MARSH, MD 21162







